



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Haryana Real Estate Regulatory Authority

Gurugram

1st April 2019

Haryana Real Estate Regulatory Authority, Gurugram prohibits any form of harassment, including sexual harassment within the Authority or in any organizational interaction. In doing so the Authority determined to promote a working environment in which women employees are treated as equal to their male counterparts.

This policy on prevention of sexual harassment at workplace shall come into effect from **1st April 2019**. The focus of this policy is to provide a conducive work environment, free from any fear or discrimination to all women employees. Further, in case where the women are the victim the Authority other than what is formulated in the below mentioned POSH Policy, shall also abide by The Sexual Harassment at Workplace (Prevention, Prohibition & Redressal) Act 2013 and Rules thereto.


Secretary

For Haryana Real Estate Regulatory
Authority, Gurugram



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Haryana Real Estate Regulatory Authority Gurugram

Policy on prevention of sexual harassment at workplace

Preamble:

1. This policy on Prevention of Sexual Harassment at Workplace shall be effective from 1st April 2019. The Authority will other than what is formulated in the below mentioned POSH Policy, shall also abide by The Sexual Harassment at Workplace (Prevention, Prohibition & Redressal) Act 2013 and Rules thereto.
2. Haryana Real Estate Regulatory Authority, Gurugram believes that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. The Authority affirms that all women have the right to work in an environment which is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive such as sexual harassment.
3. The Authority is committed towards creating a safe and healthy work environment that enables women to work without fear of prejudice and sexual harassment. The Authority abide by the principle that equality of employment can be seriously impaired when women are subjected to gender specific violence such as sexual harassment at workplace that affects the dignity of women at work.
4. HARERA, Gurugram POSH policy is aimed at prohibiting or deterring the commission of acts of sexual harassment at workplace against women and to provide procedure for redressal of complaints pertaining to sexual harassment and also ensuring that in the case of misconduct, aggrieved women have a fair and lawful procedure for redressal of their complaints.

Sexual Harassment:

Sexual harassment for the purpose of this policy shall include any one or more of the following unwelcoming acts or behaviours (whether direct or by implication):

- a. Any unwelcoming sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person to whom the conduct was directed namely:
 - Physical contact and advances;
 - Demand or request for sexual favour;

8



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
 - Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc;
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - Giving gifts or leaving objects that are sexually suggestive at one's workstation, washroom or any other place where they can be located easily;
 - Eve teasing, innuendos and taunts, physical confinements against one's will or any such act likely to intrude upon one's privacy;
 - Persistent staring, following, contacting a person at odd hours except for office work; and
 - Any other unwelcoming physical, verbal or non-verbal conduct of sexual nature.
- b. The following circumstances if occurs or are present in relation to any sexually determined act or behaviour amounts to sexual harassments:
- Implied or explicit promise of preferential treatment in employment;
 - Implied or explicit threat of detrimental treatment in employment;
 - Implied or explicit threat about the present or future employment status;
 - Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - Humiliating treatment likely to affect his/her health or safety.

Applicability:

All women employees of the Authority, trainees, consultants, advisors or lawyers visiting the office of the Authority.

Complaints Committee, Handling of Complaint and Disciplinary action:

If a woman is being harassed:

- a) Must tell the accused that his behaviour is unwelcome and ask him to stop.
- b) Keep a record of the incidents, if possible (dates, times, locations, witnesses, what happened, alleged perpetrator's response). Though it is not mandatory to have a record of events to file a complaint, but a record can strengthen the case and help her remember the details over time.
- c) Must file a complaint with the complaint committee appointed by the Authority, along with supporting documents and names of the witnesses, if any, within a period of 90 (ninety) days from the alleged incident.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Complaint Committee:

The Authority shall approve the constitution of Internal Complaint Committee of HARERA, Gurugram (hereinafter called "Committee"). The detailed of the committed shall be notified on the notice board of the Authority.

The committee shall have following members:

- Presiding Officer: A woman employed at a senior level in the organization amongst the employees.
- At least three (3) members from amongst the employees, preferably who have experience in social work or have legal knowledge.
- One external member (from a NGO or an association committed to the cause of women or a person familiar with the issues relating to the sexual harassment at workplace)
- More than 50% of the committee members shall be women.

Tenure of the committee:

The tenure of the members (members as mentioned herein shall also deem to include the presiding officer) appointed on the committee will be for a period of three years and may be extended at the discretion of the Authority.

Fee/honorarium

The member appointed from amongst the non-governmental organisations or associations shall be paid such honorarium, as decided by the Authority, for holding the proceedings of the ICC.

Quorum:

- Quorum for a valid meeting would be five members personally present.
- In absence of a valid quorum, the meeting of the committee shall be adjourned for such period as may be decided by the presiding officer.
- The Authority shall have the right to substitute the members on the Committee.
- The quorum will always have male and female members on the committee.
- The committee shall meet at least 4 times a year and the presiding officer shall preside over the meeting.

The committee shall be responsible for:

- Receiving complaints of sexual harassment at the workplace;
- Initiating and conducting inquiry as per the established procedure;

Email : hareragurugram@gmail.com, reragurugram@gmail.com, **Website :** www.harera.in
An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



- Submitting findings and recommendations of inquires;
- Co-ordinating with the Authority in implementing appropriate action;
- Maintaining strict confidentiality throughout the process;
- Submitting annual reports

Handling Complaints:

- If an aggrieved woman warrant's formal intervention, she is expected to report sexual harassment experienced by her, within 90 days from the alleged incident, or if it is series of incident then 90 days from the occurrence of the last incident, to the presiding officer of the committee, in writing (each page should be duly signed including all supporting documents) preferably in a sealed cover. In case of a verbal complaint, the complaint will be reduced in writing by the receiver i.e the presiding officer and signature of the complainant will be obtained. The committee may extend the timeline by another 90 days for reasons recorded in writing, that these reasons prevented the aggrieved woman from lodging the complaint.
- If the aggrieved woman is unable to lodge the complaint on account of her incapacity or otherwise then her legal heir, co-worker or any other person having knowledge of the incident may do so on her behalf, with explicit consent.
- If the initial complaint is made to any person other than a committee member, upon receiving such complaint, it will be the responsibility of the receiver to report the same to the committee immediately.
- The complaint should contain all the material and relevant details concerning the alleged sexual harassment including the details of the alleged accused and name of the witnesses, if any. The complaint should specify the incidents of sexual harassments clearly and should not have general incidents.
- Promptly upon receiving the complaint, the presiding officer shall proceed convene a meeting of the committee. The committee may, before initiating any inquiry and at the request of the victim take steps to settle the matter between the victim and the alleged accused through conciliation, provided no monetary settlement shall be made as a basis of conciliation. Where settlement is arrived at, the committee shall record the settlement so arrived and forward the same to the Authority to take action as specified in the recommendation with copies to the victim and the alleged accused. In case of such settlement no further inquiry shall be conducted by the committee thereafter.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- f) The minutes of the meetings of the committee shall be recorded, signed and kept in the custody of the presiding officer of the committee.
- g) The complaint documents and all investigation carried out shall be kept strictly confidential. Any person involved in the investigation, including the members, complainant, alleged accused and witnesses would be bound to maintain confidentiality. Any breach of confidentiality may attract disciplinary action.
- h) The person accused of shall be informed shall be informed that a complaint has been filed against him and he would be asked to submit his explanation in writing (including any supporting documents, list of witnesses etc.), if any to the presiding officer of the committee within 10 days of such information. The alleged accused would also be advised not to act in retaliation.
- i) The committee shall ensure that a fair and just investigation is undertaken immediately as per the principles of natural justice.
- j) Both, the complainant and the alleged accused would be summoned by the committee for ascertaining the facts. In addition, other employees may be interviewed to elicit sufficient factual information. Any person named as witness may also be summoned by the committee to ascertain the facts in the complaint.
- k) The committee shall after examination of the complaint, submit its recommendations to the Authority.
- l) The committee shall adhere to the following timeline:
- 90 days times to register complaint after the incident date or in case of series of incidents, within 90 days from the date of last incident.
 - 90 days times to complete enquiry.
 - 10 days for report submission, after completion of enquiry.
- k) The complainant and the alleged accused shall be informed of the outcome of investigation. If the investigation reveals that the complainant has been subjected to sexual harassment, the accused shall face disciplinary action including other actions as may be required by the Authority under the provision of law and/or this policy.



New PWD Rest House, Civil Lines, Gurugram नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- l) The Authority shall take suitable action within a period of 60 days after receiving the committee's recommendations.
- m) In case a member has a conflict of interest in a particular complaint, then such a member would be excluded from the committee (of that complaint)
- n) The Committee may also terminate the inquiry or give ex-parte decision, if complainant or respondent remains absent for 3 consecutive hearings without communicating any reason. In such case 15 days' written notice to be given to the party, before termination or ex-parte order.

Disciplinary Action:

Where any misconduct is established by the committee, appropriate disciplinary action shall be taken against the accused by the Authority. Disciplinary action may include actions including but not limited to written warning, withholding promotion, suspension or even dismissal.

Post implementation of the action, the secretary, HARERA, Gurugram will follow up with the complainant to ascertain whether the unlawful behaviour has in fact stopped or not, and to ensure that there is no victimization of either of the parties.

Confidentiality Action:

All information received through the investigation including the identity of the complainant, respondent, witnesses and other evidences shall be kept confidential and not published or made known to public or media. Any person (including witnesses) who breaches confidentiality shall be liable for disciplinary action.

Protection against retaliation:

Regardless of the outcome of the complaint made in good faith, the complainant lodging complaint, the accused and all the witnesses shall be protected from any form of retaliation. In order to ensure this, the complainant shall have the option to seek transfer of the perpetrator or her own transfer to other cell or if deemed appropriate by the Authority, may be granted leave for a period upto 3 months.

Any untoward pressure, retaliatory or any other type of unethical behaviour from the accused against the complainant/witnesses while investigation is in progress or later should be reported by the complainant/witnesses to the committee as soon as possible.

Complainant made with a malicious intent:

New PWD Rest House, Civil Lines, Gurugram नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

If on investigation it is revealed that the complaint was made with a malicious intent, i.e. with the intent of tarnishing someone's reputation or settle personal score, or otherwise, disciplinary action shall be taken against the complainant.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established during the inquiry.

Appeal:

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the rules made thereunder, within 90 days of the recommendations being communicated.

Annual Report

The committee shall prepare an annual report at the end of every financial year, giving full account of the activities during the previous year to the Authority.

The Authority shall further include in its annual report the number of cases filed, if any, and their disposal under this Act, in the annual report of the Authority.

Third party harassment:

Where the harassment occurs as a result of an act or omission by any third party or outsider, the employee and the person in charge will take all necessary steps that are reasonable to assist the affected person in term of support or preventive action.

POSH Training:

The "prevention of sexual harassment" training would be conducted at least once a year at HARERA, Gurugram office and attendance of all employees is mandatory. The training would be conducted by the Chairperson of the I/C or any senior female employee of the Authority, having experience in social work or legal knowledge.

For new employee joining HARERA, Gurugram it is mandatory to attend the internal POSH training conducted every quarter for new-joiners.